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OFFICE OF PETITIONS

In re Application of :
Polyak et al. :
Application No. 09/976,805 : DECISION ON PETITION
Filed: October 12, 2001 :
Attorney Docket No. 122790-00101.2 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 13, 2005, to revive the above-identified application.

The petition is GRANTED.

This application became abandoned for failure to reply timely to the nonfinal Office action mailed May 1, 2003, which set a three-month shortened statutory period to respond. Petitioner did not obtain any proper extensions of time pursuant to 37 CFR 1.136(a). Accordingly, this application became abandoned on August 2, 2003. A Notice of Abandonment was mailed on December 12, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of an amendment, paid the petition fee, and made the proper statement of unintentional delay.

Petitioner submitted a request for an extension of time for response within the third month and a \$510.00 fee with the present petition. Pursuant to 37 CFR 1.136, petitioner may not extend the period of time for response beyond the maximum time period set by statute. Accordingly, the request for an extension of time for response is untimely and inappropriate. The \$510.00 fee will be refunded to Deposit Account No. 23-2185.

There is no indication that the practitioner herein was ever empowered to prosecute the application. Moreover, the application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. If the practitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation and a change of correspondence address must be submitted. Correspondence will continue to be sent to the address of record unless the Office is informed otherwise.

The application file is being forwarded to Technology Center Art Unit 1651.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

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